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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: SUSTAINABLE USE AND CONSERVATION OF THE MARINE LIVING RESOURCES OF THE HIGH SEAS: UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Note verbale dated 12 July 1994 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Permanent Mission of Argentina to the United Nations has the honour to enclose herewith a copy of a declaration of principles, entitled "the Buenos Aires Declaration", for circulation as a General Assembly document. It was produced by a seminar on the "Adoption of an Effective Regime for the Conservation of the Living Resources in the Area Adjacent to the Exclusive Economic Zone", held in Buenos Aires from 7-9 June 1994. The seminar, organized by the Argentine Council for International Relations, was attended by experts in the law of the sea from Argentina, Canada, Chile, Iceland, Norway, Peru, the United States of America, the Food and Agriculture Organization of the United Nations (FAO) and national and international academic institutions.

* A/49/50/Rev.1.

ANNEX

Declaration of Buenos Aires adopted on 9 June 1994 by the International Seminar on the Adoption of an Effective Regime for the Conservation of Living Resources in the Area Adjacent to the Exclusive Economic Zone

Considering:

That the intensification of unrestricted fishing on the high seas is threatening the sustainability of fish populations and the very survival of certain species, which endangers the supply of fisheries products as a source of food for the world,

That, in conformity with the United Nations Convention on the Law of the Sea, which is shortly to enter into force on 16 November 1994, the freedom to fish on the high seas is not unrestricted, but is subject to the rights, interests and obligations of coastal States and other States fishing in this maritime space,

That the above-mentioned Convention needs to be supplemented by further provisions aimed at ensuring the conservation, management and exploitation of fish stocks and other living resources, while safeguarding the rights of coastal States and of the international community in the area adjacent to their respective exclusive economic zones,

That chapter 17 of Agenda 21, which was adopted by the United Nations Conference on Environment and Development, recommends the adoption of effective measures to ensure the conservation of straddling and highly migratory fish stocks in the high seas, in accordance with the provisions of the Convention on the Law of the Sea,

That the recommendations of the World Conference on Fisheries Management and Development convened in 1984 by the Food and Agriculture Organization of the United Nations and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of that Organization also examined this problem,

That at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which is currently taking place, coastal States and States fishing on the high seas are seeking to reach agreement on an effective regime for the conservation of such species in the high seas,

The International Seminar convened from 7 to 9 June 1994 by the Argentine Council for International Relations to consider the "Adoption of an effective regime for the conservation of the living resources in the area adjacent to the exclusive economic zone":

Supports the efforts of the international community to establish an effective regime for the conservation and management of straddling and highly migratory fish species on the high seas;

Invites interested academic institutions and specialists in international law and the law of the sea to contribute to studies aimed at the adoption of an effective regime for the conservation and management of fisheries resources and other living resources in the area of the high seas adjacent to the exclusive economic zone;

Formulates the following basic principles:

1. The regime being drawn up at the Conference must ensure the adoption of effective conservation and management measures which would guarantee the conservation and replenishment of fish stocks at levels of maximum sustainable yield;

2. Although the conservation and management measures must be adapted to the particular characteristics of each region, it is essential to have a body of law of universal and mandatory application which affords sufficient protection to the rights of coastal States with respect to those species which migrate from the high seas to the respective exclusive economic zone and vice versa and provides for the preservation of marine ecosystems and the conservation and exploitation of the living resources located in the area adjacent to the above-mentioned exclusive economic zones;

3. In order to be effective, such measures must take account of the biological characteristics and the population dynamics of the fish, since their exploitation must be subject to measures for conservation and management which are consistent and compatible with those adopted by the coastal State within its exclusive economic zone, through the implementation of appropriate precautionary measures;

4. In the absence of any agreements on conservation and management measures, or where proper implementation of international norms is lacking, the measures in force within the exclusive economic zone of the coastal State should be applied on a provisional basis until such time as an agreement is reached;

5. The coastal State should take measures, in the exercise of its rights of sovereignty, to ensure the conservation of living resources within its exclusive economic zone and should take into account the interdependence of such resources;

6. The effectiveness of the regime depends on its incorporation into a binding instrument which provides for an effective system of monitoring and control to ensure compliance on the high seas;

7. The regime must include a system for the binding solution of disputes in order to guarantee respect for its norms as they apply on the high seas;

Looks forward to the achievement of positive results in the United Nations Conference on this subject, and

Formulates the wish that the commendable initiative of the Argentine Council for International Relations in convening an International Seminar will set a valuable precedent for the holding of other international events of a

similar nature, which would make a significant contribution to the study and solution of the complex problems affecting the conservation and management of the fisheries resources, which are becoming increasingly indispensable as a source of food for the world.